

Application No. 10/589,630
AMENDMENT dated June 10, 2010
Reply to Office Action of March 12, 2010

AMENDMENTS TO THE DRAWINGS

This application is a National Phase 371 Filing of PCT/GB05/00488 which was filed and published with fourteen (14) drawing sheets. The United States Publication of the application, Patent Application Publication US 2007/0289453 A1, however, only published with thirteen (13) of the fourteen (14) drawing sheets and omitted the fourteenth (14th) sheet of the drawings. Applicants herein provide the full set of figures (Figures 1-36), including all fourteen (14) drawing sheets, as contained in International Application PCT/GB05/00488. No amendments have been made to the figures and no new subject matter has been added.

Attachments: Replacement Sheets 1/14 through 14/14

REMARKS

Claims 1-29 are currently pending. Claims 2 and 3 are withdrawn. Applicants thank the Examiner for the indication that claims 4-15 would be allowable if rewritten in independent form. Claim 1 has been amended to incorporate the limitations of claims 9 and 11. Claims 22-35 are new. Support for claims 22-29 can be found at least at page 19, line 6 – page 20, line 16, as well as claims 4, 6, and 8. Claims 30, 31, 34, and 35 represent claims 5, 6, 14, and 15, respectively, rewritten in independent form. Claims 32 and 33 find support at least from claims 7 and 8. No new matter is added. Applicants respectfully request reconsideration and allowance of the claims.

Section 112 Rejections

Claims 1 and 4-21 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicants regards as the invention.

Claim 1 stands rejected as vague for the use of the term “substantially air- and water-impermeable”. Applicants respectfully submit that the term is not vague as support for the phrase can be found at least at page 2, lines 3-5 of the application. Further support and description of the substantially air- and water- impermeable material can be found at least at page 13, line 8 – page 14, line 6. Additionally, MPEP § 2173.05(b) states:

The term “substantially” is often used in conjunction with another term to describe a particular characteristic of the claimed invention. It is a broad term. *In re Nehrenberg*, 280 F.2d 161, 126 USPQ 383 (CCPA 1960). The court held that the limitation “to substantially increase the efficiency of the compound as a copper extractant” was definite in view of the general guidelines contained in the specification. *In re Mattison*, 509 F.2d 563, 184 USPQ 484 (CCPA 1975). The court held that the limitation “which produces substantially equal E and H plane illumination patterns” was definite because one of ordinary skill in the art would know what was meant by “substantially equal.” *Andrew Corp. v. Gabriel Electronics*, 847 F.2d 819, 6 USPQ2d 2010 (Fed. Cir. 1988).

Applicants submit that one of ordinary skill in the art would know what is meant by the term “substantially air- and water- impermeable” based on the general knowledge and the disclosure of the application and, therefore, the term is not vague.

Claim 1 further stands rejected as indefinite for the use of the term “microscopic projections”. While Applicants do not necessarily agree with the rejection, it is submitted that the present amendments to the claim reciting “the microscopic projections have a height or a thickness of 0.01 to 0.50 mm” further clarify the term. In view of the above comments, Applicants respectfully request the Section 112 rejection be withdrawn.

Section 102 Rejections

Claims 1 and 16-21 stand rejected under 35 U.S.C. § 102(d) as being barred by Applicant’s GB 0301702.7.

As indicated above, claim 1 has been amended to incorporate the limitations of claims 9 and 11, thereby obviating the § 102(d) rejection to claim 1. Further, in view of the present amendment to claim 1, Applicants assert that claim 1 and claims 4-8, 10, and 12-21 dependent therefrom are allowable.

Withdrawn Claims

Since claim 1 is a generic claim and is presently allowable in its amended form, Applicants request that presently withdrawn dependent species claims 2 and 3 be rejoined.

Conclusion

In view of the above, the Applicants respectfully request the pending claims be passed to allowance. The Examiner is invited to contact the undersigned attorney to expedite prosecution.

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The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

Dated: June 10, 2010

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Appendix